



State Government Administration Committee

Filed: 2/19/2009

09600HB0639ham001

LRB096 03045 MJR 21477 a

1 AMENDMENT TO HOUSE BILL 639

2 AMENDMENT NO. _____. Amend House Bill 639 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes

1 to be made in the schedule or schedules then in force, and the
2 time when the change or changes will go into effect, and by
3 publication in a newspaper of general circulation or such other
4 notice to persons affected by such change as may be prescribed
5 by rule of the Commission. The Commission, for good cause
6 shown, may allow changes without requiring the 45 days' notice
7 herein provided for, by an order specifying the changes so to
8 be made and the time when they shall take effect and the manner
9 in which they shall be filed and published.

10 When any change is proposed in any rate or other charge, or
11 classification, or in any rule, regulation, practice, or
12 contract relating to or affecting any rate or other charge,
13 classification or service, or in any privilege or facility,
14 such proposed change shall be plainly indicated on the new
15 schedule filed with the Commission, by some character to be
16 designated by the Commission, immediately preceding or
17 following the item.

18 When any public utility providing water or sewer service
19 proposes any change in any rate or other charge, or
20 classification, or in any rule, regulation, practice, or
21 contract relating to or affecting any rate or other charge,
22 classification or service, or in any privilege or facility,
23 such utility shall, in addition to the other notice
24 requirements of this Act, provide notice of such change to all
25 customers potentially affected by including a notice and
26 description of such change, and of Commission procedures for

1 intervention, in the first bill sent to each such customer
2 after the filing of the proposed change.

3 (a-5) No member of the Commission may discuss with any
4 representative of a public utility any matter that the public
5 utility is considering filing with the Commission pursuant to
6 this Section. If a public utility makes a filing under this
7 Section, then no communication concerning the filing is
8 permitted until a notice of hearing of a formal hearing has
9 been issued. After the notice of hearing has been issued, only
10 communications concerning the filing that are permitted under
11 Section 10-103 of this Act are permitted.

12 (b) Whenever there shall be filed with the Commission any
13 schedule stating an individual or joint rate or other charge,
14 classification, contract, practice, rule or regulation, the
15 Commission shall have power, and it is hereby given authority,
16 either upon complaint or upon its own initiative without
17 complaint, at once, and if it so orders, without answer or
18 other formal pleadings by the interested public utility or
19 utilities, but upon reasonable notice, to enter upon a hearing
20 concerning the propriety of such rate or other charge,
21 classification, contract, practice, rule or regulation, and
22 pending the hearing and decision thereon, such rate or other
23 charge, classification, contract, practice, rule or regulation
24 shall not go into effect. The period of suspension of such rate
25 or other charge, classification, contract, practice, rule or
26 regulation shall not extend more than 105 days beyond the time

1 when such rate or other charge, classification, contract,
2 practice, rule or regulation would otherwise go into effect
3 unless the Commission, in its discretion, extends the period of
4 suspension for a further period not exceeding 6 months.

5 All rates or other charges, classifications, contracts,
6 practices, rules or regulations not so suspended shall, on the
7 expiration of 45 days from the time of filing the same with the
8 Commission, or of such lesser time as the Commission may grant,
9 go into effect and be the established and effective rates or
10 other charges, classifications, contracts, practices, rules
11 and regulations, subject to the power of the Commission, after
12 a hearing had on its own motion or upon complaint, as herein
13 provided, to alter or modify the same.

14 Within 30 days after such changes have been authorized by
15 the Commission, copies of the new or revised schedules shall be
16 posted or filed in accordance with the terms of Section 9-103
17 of this Act, in such a manner that all changes shall be plainly
18 indicated.

19 (c) If the Commission enters upon a hearing concerning the
20 propriety of any proposed rate or other charge, classification,
21 contract, practice, rule or regulation, the Commission shall
22 establish the rates or other charges, classifications,
23 contracts, practices, rules or regulations proposed, in whole
24 or in part, or others in lieu thereof, which it shall find to
25 be just and reasonable. In such hearing, the burden of proof to
26 establish the justness and reasonableness of the proposed rates

1 or other charges, classifications, contracts, practices, rules
2 or regulations, in whole and in part, shall be upon the
3 utility. The staff of the Commission and any party to a
4 proceeding regarding the propriety of any proposed rate or
5 other charge, classification, contract, practice, rule, or
6 regulation must, upon request, be given the opportunity to
7 present oral arguments in front of the Commission after the
8 conclusion of the hearings. No rate or other charge,
9 classification, contract, practice, rule or regulation shall
10 be found just and reasonable unless it is consistent with
11 Sections of this Article.

12 (Source: P.A. 84-617.)".